

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. MAGGIE CROTTY

CO-CHAIR:
REP. ANGELO "SKIP" SAVIANO

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SEN. PAMELA ALTHOFF
SEN. DON HARMON
SEN. JOHN O. JONES
SEN. DALE A. RIGHTER
SEN. IRA SILVERSTEIN
REP. GREG HARRIS
REP. LOU LANG
REP. DONALD L. MOFFITT
REP. ROSEMARY MULLIGAN
REP. ANDRE' THAPEDI

MINUTES

June 12, 2012

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on June 12, 2012 at 11:00 a.m. in Room 600C of the Michael J Bilandic Building in Chicago, Illinois.

Co-Chair Crotty called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

ATTENDANCE ROLL CALL

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Maggie Crotty	X Representative Lou Lang
X Senator Don Harmon	X Representative Donald Moffitt
Senator John O. Jones	X Representative Rosemary Mulligan
Senator Dale Righter	X Representative Angelo "Skip" Saviano
Senator Ira Silverstein	X Representative Andre' Thapedi

APPROVAL OF THE MINUTES OF THE APRIL 17, 2012 MEETING

Representative Lang moved, seconded by Representative Saviano, to approve the minutes of the May 15, 2012 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

Department of Central Management Services – Merit and Fitness (80 Ill. Adm. Code 302; 36 Ill. Reg. 3990)

Representative Moffitt moved, seconded by Senator Harmon, that JCAR recommend that the Department of Central Management Services be more timely in adopting rules implementing statutory changes. Responsibility for verifying a veteran's preference, reflected in this rulemaking, was shifted to CMS by PA 91-481 in 2000. The motion passed unanimously.

Illinois Commerce Commission – Standards of Service for Local Exchange Telecommunications Carriers (83 Ill. Adm. Code 730; 35 Ill. Reg. 15695)

Representative Thapedi moved, seconded by Representative Mulligan, that JCAR extend this rulemaking for an additional 45 days. The motion passed unanimously.

Environmental Protection Agency – Alternate Fuels Program (35 Ill. Adm. Code 275; 36 Ill. Reg. 441)

Representative Saviano moved, seconded by Senator Althoff, that JCAR extend this rulemaking for an additional 45 days. The motion passed unanimously.

Secretary of State – Department of Personnel (80 Ill. Adm. Code 420; 36 Ill. Reg. 3625)

Senator Althoff moved, seconded by Representative Mulligan, that JCAR recommend that the Secretary of State be more timely in adopting administrative rules to implement changes in policy or Public Acts. In this rulemaking, the Secretary is implementing various types of leave that were authorized by Public Acts in 1993, 2003 and 2006. The motion passed unanimously.

Department of Agriculture – Motor Fuel and Petroleum Standards Act (8 Ill. Adm. Code 850; 36 Ill. Reg. 7330) (Emergency)

The Department of Agriculture used emergency rulemaking to amend its rules titled Motor Fuel and Petroleum Standards Act (8 Ill. Adm. Code 850; 36 Ill. Reg. 7330) to delay enforcement of new ethanol standards. DOA has twice before used emergency rulemaking to delay these standards. The Department could have anticipated that yet a third delay would be required and initiated proposed rulemaking under Section 5-40 of the Illinois Administrative Procedure Act. Any emergency that exists appears to be have been created by the agency's failure to act earlier. The motion passed unanimously.

CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Crotty asked if any members requested consideration of any other rulemaking. Representative Lang requested consideration of an ICC rulemaking.

Illinois Commerce Commission – Obligations of Retail Electric Suppliers (83 Ill. Adm. Code 412; 35 Ill. Reg. 12996)

Representative Lang moved, Seconded by Senator Harmon, that JCAR object to and prohibit the filing of this rulemaking because unresolved issues remain in the rulemaking that JCAR deems a serious threat to the public interest. JCAR is particularly concerned that ICC has not been able to cite specific statutory authority for various policies established in this proposed rulemaking. (Roll Call Vote – 9-0-0 (Yes – Althoff, Crotty, Harmon, Farris, Lang, Moffitt, Mulligan, Saviano, Thapedi.)

CERTIFICATION OF NO OBJECTION

Representative Harris moved, seconded by Representative Thapedi, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously.

AGENCY RESPONSE

Department of Central Management Services – Conditions of Employment (80 Ill. Adm. Code 303; 36 Ill. Reg. 3153)

Teachers' Retirement System – The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650; 35 Ill. Reg. 21013)

Due to the appropriateness of the agency's responses, no further action.

JULY MEETING DATE

Co-Chair Crotty announced that the next monthly meeting is scheduled for Tuesday, July 10, 2012, at 11:00 a.m., Room 600C, Michael A. Bilandic Building, Chicago IL.

ADJOURNMENT

Representative Lang moved, seconded by Representative Harris, that the meeting stand adjourned. The motion passed unanimously.

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